

FISCAL NOTE

Bill #: SB0407

Title: Revise minor in possession law

Primary Sponsor: Grimes, D

Status: As Introduced

Sponsor signature	Date	David Ewer, Budget Director	Date
-------------------	------	-----------------------------	------

Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$6,260	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	(\$6,260)	\$0

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Department of Justice

1. If passed, this bill will require the department to suspend the driver license for individuals between the ages of 18 and 21 years convicted of a third or subsequent offense of possession of an intoxicating substance.
2. Insufficient data is available to determine the number of third or subsequent offenses of possession of an intoxicating substance for persons between 18 and 21 years old and the resulting driver license suspensions. The revenues from fines and reinstatement fees as well as the workload increase is unknown.
3. One-time operating costs in FY 2006 for programming to add another driver license suspension, create a new letter, and update existing reports are estimated to be \$4,320 for 44 hours of business requirements, analysis and design, testing and implementation plus \$1,940 for the equivalent of 4 days of computer services provided by DOA for an estimated total of \$6,260.

Fiscal Note Request SB0407, As Introduced

(continued)

FISCAL IMPACT:

Department of Justice

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$6,260	\$0
<u>Funding of Expenditures:</u>		
General Fund (01)	\$6,260	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$6,260)	\$0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Revenues applied to the local alcohol prevention programs from the increased fines is unknown.

TECHNICAL NOTES:

1. The statutes as revised creates a complicated mix of driver license confiscation, court ordered driver license suspension for failure to complete a community-based substance abuse course and department ordered driver license suspension subsequent to multiple offenses. The ongoing involvement of a court (sometimes more than one court), the Department of Public health and Human Services, and the motor Vehicle Division of the Department of Justice may lead to gaps in records and processes that could easily allow some offenders to avoid accountability.
2. This bill creates a new reporting requirement for third or subsequent offenses. It is unclear how this reporting obligation will be fulfilled. In some cases a court may provide notice to the Motor Vehicle Division of a third or subsequent offense. There may be times that a court will not know that an offense is a third or subsequent offense. The aggregate offense record will rest only with the Department of Public Health and Human Services who will report third offenses to the Motor Vehicle Division. Convictions for minor in possession offenses are not entered onto an individual's motor vehicle record.
3. By modifying 61-5-205, MCA, a link is created to 61-2-107, MCA, License reinstatement fee to fund county drinking and driving prevention programs. For multiple offenders, the required reinstatement fee would be increased from \$100 (as charged today in accordance with 61-5-218,MCA) to \$200 for future suspensions. Offenders who fail to attend treatment (approximately 10 in 2004) would still be charged \$100.